

DIVISION

PATENT

2004 AUG -5 AM 8:50

Attorney Docket No.: 678-362

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Kim, et al. **GROUP ART UNIT:** 2685
SERIAL NO.: 09/405,328 **EXAMINER:** LE, Lana N.
FILED: September 24, 1999 **DATED:** August 2, 2004
FOR: **APPARATUS AND METHOD OF SEARCHING
FOR PN SEQUENCE PHASE IN MULTI-CARRIER
CDMA MOBLIE COMMUNICATION SYSTEM**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Refund Section
Accounting Division
Office of Finance

REQUEST FOR REFUND

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to a payment for a third month extension of time incurred because of a delay that is believe to have been caused by the U.S. Patent and Trademark Office with respect to the above-identified application.

II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

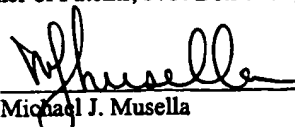
AMOUNT OF REFUND REQUESTED

— filing fee

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 2, 2004


Michael J. Musella

—	surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. §1.16(e) and/or	2004 AUG -5 AM 8:50
—	surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e)	
—	extension of term	
—	first month	
—	second month	
<u>X</u>	third month	<u>\$ 530.00</u>
—	fourth month	
—	excess claims	
—	issue fee	
—	petition fee	
—	patent maintenance fee	
—	first maintenance fee	
—	second maintenance fee	
—	third maintenance fee	
—	patent maintenance fee surcharge	
—	other Notice of Appeal	
	TOTAL REFUND REQUESTED	<u>\$ 530.00</u>

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

An Office Action marked "Final" by the Examiner was mailed on September 25, 2003. On December 22, 2003 a Response to the Office Action was filed, and received by the U.S. Patent and Trademark Office (the Office) on December 29, 2003 as evidenced by the return postcard attached hereto. On February 25, 2004 an interview was conducted with the Examiner regarding the status of the application during which the Examiner stated that she had made several attempts, by herself and through her supervisor, to secure the file from "contractors that handle the entering of miscellaneous papers and fees", all to no avail, as evidenced by the attached Examiner's Interview Summary. An Advisory Action was finally mailed on March 10,

2004. Applicants filed on March 24, 2004 a Request for Continued Examination with a three (3) month extension of time fee of \$950.00.

2004 AUG -5 AM 8: 50

Since the Response to the "Final" Office Action was received at the Office on December 29, 2003, an Office Communication should have been issued by January 29, 2004. The delay of more than one month, i.e. January 29, 2004 to March 10, 2004, was directly caused by the Office, and in turn caused the Applicant to incur the costs associated with the third month extension of time, namely \$530.00.

Due to the delay of the issuance of the Advisory Action by the U.S. Patent and Trademark Office, a payment of the third month extension of time of \$530.00 was required.

IV. MANNER OF REFUND

Please make refund by

☒ crediting Deposit Account No. 04-1121.

☐ refunding payment.

Respectfully requested,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

Dated: August 2, 2004

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
(516) 228-8484 (tel)
(516) 228-8516 (fax)
PJF/MJM/dr